

LSI
FAX**RECEIVED**
CENTRAL FAX CENTER

MAR 08 2004

OFFICIALLSI Logic Corporation
Legal Department - IP
1621 Barber Lane, MS D-106
Milpitas, CA 95035Date March 8, 2004Number of pages including cover sheet 2

To: US PTO, Before Final

TC 2615

Fax No. 703-872-9306

Phone No.

CC:

From: Connie del Castillo

Intellectual Property Paralegal

Telephone No. (408) 433-7191

Fax No. (408) 433-7460

REMARKS:

☐ Urgent ☐ For your review ☒ Reply ASAP ☐ Please commentApplication Number: 09/539,686
Filing date: March 30, 2000
First named inventor: Daniel Watkins
Attorney docket number: 99-245

Transmitted herewith for filing via facsimile:

- Amendment in response to the Office Action dated February 20, 2004.

Pursuant to 37 C.F.R. 1.8, I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date indicated below:

3/08/04

Date

Connie del Castillo

Signature

Connie del Castillo

Please contact us at (408) 433-7191 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.

This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us.

RECEIVED
CENTRAL FAX CENTER

MAR 08 2004

OFFICIAL

Applicant: Daniel Watkins
Serial Number: 09/539,686
Filed: March 30, 2000
Title: Audio/Visual Device for Capturing, Searching and/or
Displaying Audio/Visual Material
Examiner: Huy Thanh Nguyen
Group Art Unit: 2615
Attorney Docket: 99-245

AMENDMENT A

Box Non-Fee-Amendment
Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This amendment is filed in response to the Office Action dated February 20, 2004.

REMARKS

Claims 1-36 and 42-50 are in the case and subject to a restriction requirement. Applicants hereby elect with traverse to prosecute the claims of group I, including claims 1-36 and 42-50, drawn to an apparatus for selecting recording CC, audio and still picture portions from a received AV signal, classified in class 386, subclass 95. Thus, claims 37-41 are withdrawn from consideration. Reconsideration is requested.

However, restriction is not required by 35 U.S.C. § 121, as suggested in the office action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. § 121 "... the Commissioner *may* require the application to be restricted...." (emphasis added). Likewise, MPEP § 803 lists two criteria that must be present for restriction to be proper:

1. The invention must be independent or distinct; and
2. There must be a serious burden on the examiner if restriction is not required.